



REMARKS

Claims 2-21, 23-26, 28-35, 37-38, 40-42, 44-45, 47-48 and 51-61 are pending in the application. Claims 1-5, 7-8, 10-12, 16, 22-24, 26-29, 31, 36, 39, 42 and 49 were rejected under 35 U.S.C. §102(e), as described in paragraph 4 of the Office Action. Claims 17, 40-41, 44-45 and 51 were rejected under 35 U.S.C. §103(a), as described on page 8 of the Office Action. Claims 6, 9, 25, 34-35, 37-38, 43, 46 and 47-48 were rejected under 35 U.S.C. §103(a), as described in paragraph 5 of the Office Action. Claims 13-14 and 18-21 were rejected under 35 U.S.C. §103(a), as described in paragraph 6 of the Office Action. Claim 52 was rejected under 35 U.S.C. §103(a), as described in paragraph 7 of the Office Action. Claim 15 was indicated as being allowable if rewritten in independent form including the base claim and any intervening claims, as described in paragraph 8 of the Office Action. Claims 53-60 are the only independent claims.

Applicants respectfully submit that the outstanding rejections of claims 1, 22, 27, 36, 39, 43, 46 and 49 are moot, as the claims have been cancelled.

Applicants respectfully submit that claims 2-21, 23-26, 28-35, 37-38, 40-42, 44-45, 47-48 and 51-61 are patentable over the prior art of record for the following reasons.

In accordance with one aspect of the present invention, a disk includes a first recording area and a second recording area. The first recording area records contents data and data for recording and reproducing the contents data. The second recording area records secondary data related to the contents data in the first recording area. Further, the second recording area comprises at least a first section for recording control data and a second section for recording data not to be inhibited from being outputted from a recording apparatus or a reproducing apparatus. Furthermore, the second section may additionally include a third section for recording data to be inhibited from being outputted from the recording apparatus or the reproducing apparatus.

For example, as illustrated in Fig. 1A, Disk 100 includes a first recording area (110) for recording contents data and data for recording and reproducing the contents data (Control Data 103). Further, Disk 100 includes a second recording area (101). As illustrated for example in Figs. 2A and 2B, the second recording area comprises a first section (111) and a second section (113) for recording data not to be inhibited from being outputted from a recording apparatus or a reproducing

apparatus. However, as illustrated in Fig. 2B, the second recording area can additionally include a third section (112) for recording data from being inhibited from being outputted from the recording apparatus and reproducing apparatus.

Furthermore, in accordance with one embodiment of the present invention as illustrated in Fig. 2B and as discussed on page 14, line 24 through page 16, line 8, control data in the first section (111) of the second recording area (101) identifies whether or not the second recording area (101) includes a third section (112) for recording data to be inhibited from being outputted from a recording apparatus or a reproducing apparatus.

Independent claim 53 is drawn to an optical disk comprising a first recording area for recording contents data and data for recording and reproducing the contents data and a second recording area for recording secondary data related to the contents data. Still further, claim 53 requires wherein the control data includes an **identifier indicating whether the second recording area further includes a third section for recording data to be inhibited from being outputted from the at least one of a recording apparatus and reproducing apparatus**, and wherein when the identifier indicates that the second recording area further includes the third section, the second recording area further includes the third section.

It is respectfully submitted that the prior art of record fails to teach the above identified limitations.

As discussed in column 1, lines 38-57 of Maeda et al. (Maeda), Fig. 7 of the reference discloses a disk (100a) consisting of a main information recording area (100c) and a table of contents (TOC) area (100b) in which additional information related to each item of recorded main information (100c) is recorded. Accordingly, Maeda teaches a disk having two recording areas. Maeda fails to teach or suggest that the second area (100b) includes a first section, a second section, and when the first section includes a specific identifier, a third section, as required in the present invention. On the contrary, the secondary area (100b) of Maeda is merely a table of contents (TOC) area, which at most might be considered analogous to the data for recording and reproducing the contents data of the first recording area as required in the present invention, for example as illustrated in Fig. 1B as item 103.

Accordingly, it is respectfully submitted that Maeda fails to teach a second recording area comprising a first section for recording control data wherein the control data includes an identifier indicating whether the second recording area further includes a third section for recording data to be inhibited from being outputted from a recording apparatus or a reproducing apparatus, as required in independent claim 53.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, *Akzo N. V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the foregoing, it is clear that Maeda does not anticipate claim 53.

It is respectfully submitted that independent claims 54-60 are additionally patentable over Maeda within the meaning of 35 U.S.C. § 102 for reasons similar to those as applied to claim 53. Each of independent claims 55-60 require the control data to include an identifier indicating whether the second recording area further includes a third section for recording data to be inhibited from being outputted, and wherein when the identifier indicates that the second recording area further includes the third section, the second recording area further includes the third section. Further, independent claim 54 requires, deciding, based on an identifier in the control data, whether the second recording area comprises a third section for recording data to be inhibited from being externally outputted from the at least one of a recording apparatus and reproducing apparatus, wherein the identifier indicates whether the second recording area further includes the third section for recording the data to be inhibited from being outputted from the at least one of a recording apparatus and reproducing apparatus.

For the reasons discussed above, it is respectfully submitted that claims 53-60 are novel over Maeda within the meaning of 35 U.S.C. § 102 and further that dependent claims 2-21, 23-26, 28-35, 37-38, 40-42, 44-45, 47-48, 51-52 and 61 are additionally novel over Maeda within the meaning of 35 U.S.C. § 102.

It is respectfully submitted that Sako et al. (Sako), Taki et al. (Taki) and Tanaka et al. (Tanaka) fail to teach the shortcomings of Maeda such that a combination of the teachings of Maeda, Sako, Taki and Tanaka would teach that which is required in independent claim 53-60.

In particular, neither one of Maeda, Sako, Taki nor Tanaka teach or suggest: that the control data includes an identifier indicating whether the second recording area further includes a third section for recording data to be inhibited from being outputted, and that when the identifier indicates

that the second recording area further includes the third section, the second recording area further includes the third section, as required in each of independent claims 53 and 55-60; or deciding, based on an identifier in the control data, whether the second recording area comprises a third section for recording data to be inhibited from being externally outputted from the at least one of a recording apparatus and reproducing apparatus, wherein the identifier indicates whether the second recording area further includes the third section for recording the data to be inhibited from being outputted from the at least one of a recording apparatus and reproducing apparatus, as required in independent claim 54.

Therefore, it is respectfully submitted that a combination of the teachings of Maeda, Sako, Taki and Tanaka additionally fail to teach that which is required in independent claims 53-60. In light of the above discussion, it is respectfully submitted that each of independent claim 53-60, and therefore dependent claims 2-21, 23-26, 28-35, 37-38, 40-42, 44-45, 47-48, 51-52 and 61, are patentable over the combination of Maeda, Sako, Taki and Tanaka within the meaning of 35 U.S.C. § 103.

In view of the above remarks, Applicant respectfully submits that claim would not have been obvious over the combination of in view of , and urge that the rejection of claim , and its dependent claim , under 35 U.S.C. § 103(a) be withdrawn.

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,
Motoyoshi MURAKAMI et al.

By: 

Thomas D. Robbins
Registration No. 43,369
Attorney for Applicants

TDR/jlg
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 30, 2004